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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,755	01/29/2001	Steven L. Webb	10007855-1	9449

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EXAMINER

KYLE, CHARLES R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/772,755	WEBB, STEVEN L.
	Examiner	Art Unit
	Charles Kyle	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 6 recites that a credit card number is accepted “if the user desires to have the credit card number entered into a database that is inside a firewall”. At page 3, the Specification states that “Once the web site has the credit card number they [sic] may enter the number into an online database using a computer inside their [sic] firewall”. No mention is made in the Specification or originally filed Claims of the fact that the user desires to have the credit card number entered into a database *inside a firewall*. The limitation suggests an awareness by the user that a firewall is available to enhance security and no such concept was originally presented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bezos* in view of US 2002/0080950 *Koko et al* and further in view of US 6,170,014 B1 *Darago et al.*

As to Claim 1, *Bezos* discloses the invention substantially as claimed, including in a method for entering credit card numbers into an online database (Abstract), the steps of:

providing a phone number for credit transactions (Col. 1, lines 49-52);
accepting a credit card number when a user calls the phone number (Col. 1, lines 49-52);
entering the credit card number into an online database(Abstract), thereby enabling the user to use the credit card number, without the user entering the credit card number, the next time the user visits the web page (Col. 11, line 59 to Col. 12, line 8).

Bezos does not specifically disclose that a business related phone number is presented on a web page. *Koko* disclsoes this limitation at para. 58. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Bezos* with presentation of a business related telephone number on a web page of *Koko* because this would provide a convenient way for the user to obtain a phone number to send a credit card number on a network more secure than the Internet. Also see *Bezos* at Col. 8, lines 44-49 and Fig. 4, which specifically discloses a web page as a convenient way to provide and obtain information.

Applicant has amended Claim 1 to include a limitation concerning card number entry into a database inside a firewall, as formerly presented in Claim 2. *Bezos* does not specifically disclose the use of a firewall in connection with a credit card number.

Darago discloses this concept at Col. 22, lines 13-42. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Bezos* to perform credit card number operations within the firewall of *Darago* because this would enhance security of such numbers, as set forth by *Darago* in the cited passage. Specifically,

Darago recites:

Additional Comments on Security

In the architecture 100, security may be provided in several ways including those expressly noted above. Allowing one and only one person to have a given user ID helps ensure that persons who use content 400 are properly billed for such use, as noted above. But in addition, the user ID and the credit card information help protect the reservation module. If reservations were available without a credit card hold or similar protection, a malicious user could reserve seats in a network 200 (or even reserve all seats in the entire architecture 100) with no legitimate intent to use them. By requiring a credit card for reservation, the reservation module is protected because adequate credit must be available to pay for all reservations placed.

Because content is not stored on the registration server 108, security precautions can be taken that might not otherwise be available. For instance, access to the home page can be disabled so that outsiders cannot input messages or modify HTML code on the registration server 108. Dynamically produced Web pages based on information provided by the user, and created by Oracle or similar software, are also more difficult to modify than static HTML pages. Firewalls, encryption, and other means can also be used to protect credit card numbers of users in time-limited secure transactions without reducing security to allow continual coursework 400 usage from the same server 108. In one embodiment, the registration server 108 exports credit card information to other servers with heightened security; once the export is complete, the credit card information is deleted from the registration server 108.

At pages 4-6 of Remarks/Argument, Applicant set forth extensive comment and case law on the supposed requirement that prior art references specifically disclose the motivation for combination in a rejection of Claims. In response to these arguments that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). One of ordinary skill in computer financial arts would readily recognize that firewalls of *Darago* provide a secure way to enter the credit card numbers of *Bezos*. Additionally, the Examiner has specifically identified a passage of *Darago* which discloses the advantages of using a firewall to secure credit card numbers, as set forth above and in the prior office action. Applicant has identified no limitation missing for the prior art references and has not substantively addressed the presented motivation to combine. Applicant comments that there is “no concrete disclosure or suggestion as to how firewalls might be used in Darago’s system let alone in the Bezos system”. The Examiner notes that Applicant’s Claims recite no more detailed use of firewalls; the disclosure of *Darago* is as detailed as Applicant’s Claim language. Applicant fails to refute the advantage of security of credit card numbers protected by a firewall presented by the Examiner.

At page 6, Applicant comments that *Bezos* does not disclose “entering the credit card number...the next time the user visits the web page”. This limitation is specifically

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identified in *Bezos* at Col. 11, line 59 to Col. 12, line 8. Applicant does not explain how this citation is wrong.

The Examiner's reliance on the cited reference and their combination is sufficient.

As to Claim 2, *Bezos* discloses the use of a computer to enter credit card numbers at Fig. 5A, ele. 116 and Col. 9, lines 55-60.

Concerning Claim 3, *Bezos* does not specifically disclose that users have an option to not have the credit card number put in a database. Official Notice is taken that providing customers options to not share private information was old and well known at the time of the invention. For example, it was common to allow customers to not provide an address so as to not receive mailings, (Do you wish to be included on our mailing list?). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow customers to refrain from adding to a database even more sensitive information, a credit card number, because this would give customers more control and confidence in the security of financial data.

With respect to Claim 4, *Bezos* discloses allowing the user to pay for purchases using a credit card while on the phone at Col. 1, lines 36-37.

With respect to Claim 5, *Bezos* discloses the use of a toll-free number at Col. 1, lines 46-61.

As to Claim 6, see the discussions set forth above. *Bezos* further discloses that a credit card stored on a database can be used for secure purchases on the web without the user having to enter the number on the web, as set out at Col. 7, lines 40-50.

Response to Arguments

Applicant's arguments are addressed in the discussion of Claim 1 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
June 23, 2005

Examiner Charles Kyle
